

**REMARKS**

**INTRODUCTION**

In accordance with the foregoing, claims 1 and 9 have been amended. Claims 1, 5-7, 9, 10 and 15-17 are pending in the application.

**EXAMINER INTERVIEW**

The Applicants extend their thanks to the Examiner for the courtesy shown to their representative during the Examiner Interview conducted on January 14, 2008.

In the Interview, the Examiner noted that the Office Action contained a typographical error and independent claim 1 was also rejected under 35 USC 112, first paragraph. The rejection to claim 1 based on 35 USC 112, first paragraph, is addressed below.

The Examiner further noted that if independent claims 1 and 9 were amended to more clearly recite that the present invention included **only** one set of apertures, that independent claims 1 and 9 may be able to distinguish over the relied upon references. Claims 1 and 9 have been amended to recite that there is only one set of apertures in the disc clamp of the present invention.

**CLAIM REJECTIONS – 112**

Claims 9, 10 and 15-17 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. Additionally, claims 1 and 5-7 were rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement as noted in the Examiner Interview held on January 14, 2008.

The Office Action appears to reject claims 1 and 9 based on that the application discloses a disk clamp having a plurality of screw holes on it, which is not recited by the Applicant's claim. It is respectfully submitted that claims 1 and 9, in their currently amended form, both recite an inner portion having only one plurality of apertures (corresponding to the Examiner's screw holes) arranged along a uniform circumference at predetermined intervals. This feature of claims 1 and 9 is further disclosed in the specification at, for example, paragraph [0038].

In short, it is respectfully submitted that both the specification and claims 1 and 9 discuss only one plurality of apertures and accordingly, claims 1 and 9 are enabled.

Claims 5-7, 10 and 15-17 depend on one of claims 1 and 9, respectively, and are therefore believed to be enabled for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

#### **CLAIM REJECTIONS – 102 and 103**

Claims 1, 5, 7, 9, 10, 15 and 17 were rejected under 35 USC 102(b) as being anticipated by Masayuki (JP 10-162464) (hereinafter "Masayuki").

Claims 6 and 16 were rejected under 35 USC 103(a) as being unpatentable over Masayuki in view of Bronshvatch et al. (US 5,528,434) (hereinafter "Bronshvatch").

#### **Claims 1 and 5-7**

Amended claim 1 recites: "...only one plurality of screw coupling holes into which screws are inserted to be coupled to an upper end portion of the spindle motor and provided at intervals of a predetermined distance along a uniform circumference inside the stress distribution portion..."

Masayuki shows a 2nd set of screw holes provided in positions separated from the 1st holes as against the center of the disk retainer respectively. The disk retainer in Masayuki is fixed to the hub by screwing it with fixing screws through the 1st or 2nd holes in accordance with the number of mounting magnetic disks. By contrast, claim 1 recites a disk clamp consisting only of one single set of screw coupling holes provided at intervals of a predetermined distance along a uniform circumference inside the stress distribution portion.

Claims 5-7 are dependent on claim 1, and are therefore believed to be allowable for the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

#### **Claims 9, 10 and 15-17**

Claim 9 recites: "...an inner portion having only one plurality of apertures arranged along a uniform circumference at predetermined intervals..." In contrast to claim 9, Masayuki discusses a disk retainer that is formed with 1st holes for obtaining clamp force, required for

mounting two magnetic disks, and 2nd holes for obtaining clamp force required for mounting three magnetic disks. It is respectfully submitted that the 2nd holes of Masayuki are an additional element not recited in claim 9 and that therefore disqualifies Masayuki because the 2nd holes are provided in positions separated from the 1st holes.

Specifically, since Masayuki provides for 1st and 2nd screw holes 54 and 56 at differing radii R0 and R1, it is respectfully submitted that claim 9 patentably distinguishes over Masayuki.

Claims 10 and 15-17 are dependent on claim 9, and are therefore believed to be allowable for the foregoing reasons.

Withdrawal of the foregoing rejections is requested.

#### CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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